

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 24, 2019  
Date

Honorable Dan Patrick  
President of the Senate

Honorable Dennis Bonnen  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 562 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Zaffirini

Senator Judith Zaffirini, Chair

Pete P. Flores

Senator Pete Flores

Joan Huffman

Senator Joan Huffman

Charles Perry

Senator Charles Perry

Jose Rodriguez

On the part of the Senate

Senator Jose Rodriguez

Four Price

Representative Four Price, Chair

Lyle Larson

Representative Lyle Larson

Ina Minjarez

Representative Ina Minjarez

Joe Moody

Representative Joe Moody

Chris Paddie

On the part of the House

Representative ~~Joe Moody~~  
Chris Paddie

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.



# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

S.B. No. 562

A BILL TO BE ENTITLED

AN ACT

relating to criminal or juvenile procedures regarding persons who are or may be persons with a mental illness or intellectual disability and the operation and effects of successful completion of a mental health court program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 8(a), Article 42.09, Code of Criminal Procedure, is amended to read as follows:

(a) A county that transfers a defendant to the Texas Department of Criminal Justice under this article shall deliver to an officer designated by the department:

(1) a copy of the judgment entered pursuant to Article 42.01, completed on a standardized felony judgment form described by Section 4 of that article;

(2) a copy of any order revoking community supervision and imposing sentence pursuant to Article 42A.755, including:

(A) any amounts owed for restitution, fines, and court costs, completed on a standardized felony judgment form described by Section 4, Article 42.01; and

(B) a copy of the client supervision plan prepared for the defendant by the community supervision and corrections department supervising the defendant, if such a plan was prepared;

(3) a written report that states the nature and the

1 seriousness of each offense and that states the citation to the  
2 provision or provisions of the Penal Code or other law under which  
3 the defendant was convicted;

4 (4) a copy of the victim impact statement, if one has  
5 been prepared in the case under Article 56.03;

6 (5) a statement as to whether there was a change in  
7 venue in the case and, if so, the names of the county prosecuting  
8 the offense and the county in which the case was tried;

9 (6) if requested, information regarding the criminal  
10 history of the defendant, including the defendant's state  
11 identification number if the number has been issued;

12 (7) a copy of the indictment or information for each  
13 offense;

14 (8) a checklist sent by the department to the county  
15 and completed by the county in a manner indicating that the  
16 documents required by this subsection and Subsection (c) accompany  
17 the defendant;

18 (9) if prepared, a copy of a presentence or  
19 postsentence report prepared under Subchapter F, Chapter 42A;

20 (10) a copy of any detainer, issued by an agency of the  
21 federal government, that is in the possession of the county and that  
22 has been placed on the defendant;

23 (11) if prepared, a copy of the defendant's Texas  
24 Uniform Health Status Update Form; ~~and~~

25 (12) a written description of a hold or warrant,  
26 issued by any other jurisdiction, that the county is aware of and  
27 that has been placed on or issued for the defendant; and



1           (13) a copy of any mental health records, mental  
2 health screening reports, or similar information regarding the  
3 mental health of the defendant.

4           SECTION 2. Article 46B.001, Code of Criminal Procedure, is  
5 amended to read as follows:

6           Art. 46B.001. DEFINITIONS. In this chapter:

7           (1) "Adaptive behavior" means the effectiveness with  
8 or degree to which a person meets the standards of personal  
9 independence and social responsibility expected of the person's age  
10 and cultural group.

11           (2) "Commission" means the Health and Human Services  
12 Commission.

13           (3) "Competency restoration" means the treatment or  
14 education process for restoring a person's ability to consult with  
15 the person's attorney with a reasonable degree of rational  
16 understanding, including a rational and factual understanding of  
17 the court proceedings and charges against the person.

18           (4) "Developmental period" means the period of a  
19 person's life from birth through 17 years of age.

20           (5) "Electronic broadcast system" means a two-way  
21 electronic communication of image and sound between the defendant  
22 and the court and includes secure Internet videoconferencing.

23           (6) "Executive commissioner" means the executive  
24 commissioner of the Health and Human Services Commission.

25           (7) "Inpatient mental health facility" has the meaning  
26 assigned by Section 571.003, Health and Safety Code.

27           (8) [+2+] "Intellectual           disability"           means

1 significantly subaverage general intellectual functioning that is  
2 concurrent with deficits in adaptive behavior and originates during  
3 the developmental period ~~[has the meaning assigned by Section~~  
4 ~~591.003, Health and Safety Code].~~

5           (9) ~~[(3)]~~ "Local mental health authority" has the  
6 meaning assigned by Section 571.003, Health and Safety Code.

7           (10) ~~[(4)]~~ "Local intellectual and developmental  
8 disability authority" has the meaning assigned by Section 531.002,  
9 Health and Safety Code.

10           (11) ~~[(5)]~~ "Mental health facility" has the meaning  
11 assigned by Section 571.003, Health and Safety Code.

12           (12) ~~[(6)]~~ "Mental illness" means an illness,  
13 disease, or condition, other than epilepsy, dementia, substance  
14 abuse, or intellectual disability, that grossly impairs:

15                   (A) a person's thought, perception of reality,  
16 emotional process, or judgment; or

17                   (B) behavior as demonstrated by recent disturbed  
18 behavior ~~[has the meaning assigned by Section 571.003, Health and~~  
19 ~~Safety Code].~~

20           (13) ~~[(7)]~~ "Residential care facility" has the  
21 meaning assigned by Section 591.003, Health and Safety Code.

22           (14) "Subaverage general intellectual functioning"  
23 means a measured intelligence two or more standard deviations below  
24 the age-group mean, using a standardized psychometric instrument.

25           ~~[(8) "Electronic broadcast system" means a two-way~~  
26 ~~electronic communication of image and sound between the defendant~~  
27 ~~and the court and includes secure Internet videoconferencing.~~

1           ~~[(9) "Competency restoration" means the treatment or~~  
2 ~~education process for restoring a person's ability to consult with~~  
3 ~~the person's attorney with a reasonable degree of rational~~  
4 ~~understanding, including a rational and factual understanding of~~  
5 ~~the court proceedings and charges against the person.]~~

6           SECTION 3. Subchapter A, Chapter 46B, Code of Criminal  
7 Procedure, is amended by adding Article 46B.0021 to read as  
8 follows:

9           Art. 46B.0021. FACILITY DESIGNATION. The commission may  
10 designate for the commitment of a defendant under this chapter only  
11 a facility operated by the commission or under a contract with the  
12 commission for that purpose.

13          SECTION 4. Article 46B.073(c), Code of Criminal Procedure,  
14 is amended to read as follows:

15          (c) If the defendant is charged with an offense listed in  
16 Article 17.032(a) [~~, other than an offense under Section~~  
17 ~~22.01(a)(1), Penal Code,~~] or if the indictment alleges an  
18 affirmative finding under Article 42A.054(c) or (d), the court  
19 shall enter an order committing the defendant for competency  
20 restoration services to a [~~the maximum security unit of any~~]  
21 facility designated by the commission [~~Department of State Health~~  
22 ~~Services, to an agency of the United States operating a mental~~  
23 ~~hospital, or to a Department of Veterans Affairs hospital].~~

24          SECTION 5. Subchapter D, Chapter 46B, Code of Criminal  
25 Procedure, is amended by adding Article 46B.0831 to read as  
26 follows:

27          Art. 46B.0831. DETERMINATION          WHETHER          DEFENDANT          IS

1 MANIFESTLY DANGEROUS. A defendant committed to a maximum security  
2 unit by the commission may be assessed, at any time before the  
3 defendant is restored to competency, by the review board  
4 established under Section 46B.105 to determine whether the  
5 defendant is manifestly dangerous. If the review board determines  
6 the defendant is not manifestly dangerous, the commission shall  
7 transfer the defendant to a non-maximum security facility  
8 designated by the commission.

9 SECTION 6. Article 46B.104, Code of Criminal Procedure, is  
10 amended to read as follows:

11 Art. 46B.104. CIVIL COMMITMENT PLACEMENT: FINDING OF  
12 VIOLENCE. A defendant committed to a facility as a result of  
13 proceedings initiated under this chapter shall be committed to the  
14 ~~[maximum security unit of any]~~ facility designated by the  
15 commission ~~[Department of State Health Services]~~ if:

16 (1) the defendant is charged with an offense listed in  
17 Article 17.032(a) ~~[, other than an offense listed in Article~~  
18 ~~17.032(a)(6)]~~; or

19 (2) the indictment charging the offense alleges an  
20 affirmative finding under Article 42A.054(c) or (d).

21 SECTION 7. Articles 46B.105(a), (b), and (e), Code of  
22 Criminal Procedure, are amended to read as follows:

23 (a) Unless a defendant committed to a maximum security unit  
24 by the commission is determined to be manifestly dangerous by a  
25 review board established under Subsection (b), not later than the  
26 60th day after the date the defendant arrives at the maximum  
27 security unit, the defendant shall be transferred to:

1           (1) a unit of an inpatient mental health facility  
2 other than a maximum security unit;

3           (2) a residential care facility; or

4           (3) a program designated by a local mental health  
5 authority or a local intellectual and developmental disability  
6 authority.

7           (b) The executive commissioner [~~of state health services~~]  
8 shall appoint a review board of five members, including one  
9 psychiatrist licensed to practice medicine in this state and two  
10 persons who work directly with persons with mental illness or an  
11 intellectual disability, to determine whether the defendant is  
12 manifestly dangerous and, as a result of the danger the defendant  
13 presents, requires continued placement in a maximum security unit.

14           (e) If the superintendent of the facility at which the  
15 maximum security unit is located disagrees with the determination,  
16 the matter shall be referred to the executive commissioner [~~of~~  
17 ~~state health services~~]. The executive commissioner shall decide  
18 whether the defendant is manifestly dangerous.

19           SECTION 8. Article 46B.106(a), Code of Criminal Procedure,  
20 is amended to read as follows:

21           (a) A defendant committed to a facility as a result of the  
22 proceedings initiated under this chapter, other than a defendant  
23 described by Article 46B.104, shall be committed to:

24           (1) a facility designated by the commission  
25 [~~Department of State Health Services or the Department of Aging and~~  
26 ~~Disability Services, as appropriate~~]; or

27           (2) an outpatient treatment program.

SECTION 9. Articles 46B.107(a) and (d), Code of Criminal Procedure, are amended to read as follows:

(a) The release of a defendant committed under this chapter from the commission [~~Department of State Health Services, the Department of Aging and Disability Services~~], an outpatient treatment program, or another facility is subject to disapproval by the committing court if the court or the attorney representing the state has notified the head of the facility or outpatient treatment provider, as applicable, to which the defendant has been committed that a criminal charge remains pending against the defendant.

(d) The court shall, on receiving notice from the head of a facility or outpatient treatment provider of intent to release the defendant under Subsection (b) [~~may, on motion of the attorney representing the state or on its own motion~~], hold a hearing to determine whether release is appropriate under the applicable criteria in Subtitle C or D, Title 7, Health and Safety Code. The court may, on motion of the attorney representing the state or on its own motion, hold a hearing to determine whether release is appropriate under the applicable criteria in Subtitle C or D, Title 7, Health and Safety Code, regardless of whether the court receives notice that the head of a facility or outpatient treatment provider provides notice of intent to release the defendant under Subsection (b). The court may conduct the hearing:

(1) at the facility; or

(2) by means of an electronic broadcast system as provided by Article 46B.013.

SECTION 10. Article 46B.151(c), Code of Criminal Procedure,

1 is amended to read as follows:

2 (c) Notwithstanding Subsection (b), a defendant placed in a  
3 facility of the commission [~~Department of State Health Services or~~  
4 ~~the Department of Aging and Disability Services~~] pending civil  
5 hearing under this article may be detained in that facility only  
6 with the consent of the head of the facility and pursuant to an  
7 order of protective custody issued under Subtitle C, Title 7,  
8 Health and Safety Code.

9 SECTION 11. Articles 46C.001(1) and (2), Code of Criminal  
10 Procedure, are amended to read as follows:

11 (1) "Commission" means the Health and Human Services  
12 Commission [~~"Commissioner" means the commissioner of state health~~  
13 ~~services~~].

14 (2) "Executive commissioner" means the executive  
15 commissioner of the Health and Human Services Commission  
16 [~~"Department" means the Department of State Health Services~~].

17 SECTION 12. Subchapter A, Chapter 46C, Code of Criminal  
18 Procedure, is amended by adding Article 46C.0011 to read as  
19 follows:

20 Art. 46C.0011. FACILITY DESIGNATION. The commission may  
21 designate for the commitment of a defendant under this chapter only  
22 a facility operated by the commission or under a contract with the  
23 commission for that purpose.

24 SECTION 13. Article 46C.104, Code of Criminal Procedure, is  
25 amended to read as follows:

26 Art. 46C.104. ORDER COMPELLING DEFENDANT TO SUBMIT TO  
27 EXAMINATION. (a) For the purposes described by this chapter, the

1 court may order any defendant to submit to examination, including a  
2 defendant who is free on bail. If the defendant fails or refuses to  
3 submit to examination, the court may order the defendant to custody  
4 for examination for a reasonable period not to exceed 21  
5 days. Custody ordered by the court under this subsection may  
6 include custody at a facility operated by the commission  
7 ~~[department]~~.

8 (b) If a defendant who has been ordered to a facility  
9 operated by the commission ~~[department]~~ for examination remains in  
10 the facility for a period that exceeds 21 days, the head of that  
11 facility shall cause the defendant to be immediately transported to  
12 the committing court and placed in the custody of the sheriff of the  
13 county in which the committing court is located. That county shall  
14 reimburse the facility for the mileage and per diem expenses of the  
15 personnel required to transport the defendant, calculated in  
16 accordance with the state travel rules in effect at that time.

17 (c) The court may not order a defendant to a facility  
18 operated by the commission ~~[department]~~ for examination without the  
19 consent of the head of that facility.

20 SECTION 14. Article 46C.106(b), Code of Criminal Procedure,  
21 is amended to read as follows:

22 (b) The county in which the indictment was returned or  
23 information was filed shall reimburse a facility operated by the  
24 commission ~~[department]~~ that accepts a defendant for examination  
25 under this subchapter for expenses incurred that are determined by  
26 the commission ~~[department]~~ to be reasonably necessary and  
27 incidental to the proper examination of the defendant.



SECTION 15. Article 46C.160(b), Code of Criminal Procedure, is amended to read as follows:

(b) The court may order a defendant detained in a facility of the commission [~~department or a facility of the Department of Aging and Disability Services~~] under this article only with the consent of the head of the facility.

SECTION 16. Article 46C.202(a), Code of Criminal Procedure, is amended to read as follows:

(a) Notwithstanding Article 46C.201(b), a person placed in a commission [~~department~~] facility [~~or a facility of the Department of Aging and Disability Services~~] pending civil hearing as described by that subsection may be detained only with the consent of the head of the facility and under an Order of Protective Custody issued under Subtitle C or D, Title 7, Health and Safety Code.

SECTION 17. Articles 46C.251(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) The court shall order the acquitted person to be committed for evaluation of the person's present mental condition and for treatment to the [~~maximum security unit of any~~] facility designated by the commission [~~department~~]. The period of commitment under this article may not exceed 30 days.

(b) The court shall order that:

(1) a transcript of all medical testimony received in the criminal proceeding be prepared as soon as possible by the court reporter and the transcript be forwarded to the facility to which the acquitted person is committed; and

(2) the following information be forwarded to the

1 facility and~~[, as applicable,]~~ to the commission ~~[department or the~~  
2 ~~Department of Aging and Disability Services]~~:

3 (A) the complete name, race, and gender of the  
4 person;

5 (B) any known identifying number of the person,  
6 including social security number, driver's license number, or state  
7 identification number;

8 (C) the person's date of birth; and

9 (D) the offense of which the person was found not  
10 guilty by reason of insanity and a statement of the facts and  
11 circumstances surrounding the alleged offense.

12 SECTION 18. Article 46C.260, Code of Criminal Procedure, is  
13 amended to read as follows:

14 Art. 46C.260. TRANSFER OF COMMITTED PERSON TO NON-MAXIMUM  
15 SECURITY ~~[NONSECURE]~~ FACILITY. (a) A person committed to a  
16 facility under this subchapter shall be committed to a [the maximum  
17 ~~security unit of any]~~ facility designated by the commission  
18 ~~[department]~~.

19 (b) A person committed under this subchapter shall be  
20 transferred to the designated facility ~~[maximum security unit]~~  
21 immediately on the entry of the order of commitment.

22 (c) Unless a [the] person committed to a maximum security  
23 unit by the commission is determined to be manifestly dangerous by a  
24 review board under this article ~~[within the department]~~, not later  
25 than the 60th day following the date of the person's arrival at the  
26 maximum security unit the person shall be transferred to a  
27 non-maximum security ~~[nonsecure]~~ unit of a facility designated by

1 the commission [~~department or the Department of Aging and~~  
2 ~~Disability Services, as appropriate~~].

3 (d) The executive commissioner shall appoint a review board  
4 of five members, including one psychiatrist licensed to practice  
5 medicine in this state and two persons who work directly with  
6 persons with mental illnesses or with mental retardation, to  
7 determine whether the person is manifestly dangerous and, as a  
8 result of the danger the person presents, requires continued  
9 placement in a maximum security unit.

10 (e) If the head of the facility at which the maximum  
11 security unit is located disagrees with the determination, then the  
12 matter shall be referred to the executive commissioner. The  
13 executive commissioner shall decide whether the person is  
14 manifestly dangerous.

15 SECTION 19. Article 55.01, Code of Criminal Procedure, is  
16 amended by amending Subsection (a) and adding Subsection (a-4) to  
17 read as follows:

18 (a) A person who has been placed under a custodial or  
19 noncustodial arrest for commission of either a felony or  
20 misdemeanor is entitled to have all records and files relating to  
21 the arrest expunged if:

22 (1) the person is tried for the offense for which the  
23 person was arrested and is:

24 (A) acquitted by the trial court, except as  
25 provided by Subsection (c); or

26 (B) convicted and subsequently:

27 (i) pardoned for a reason other than that

1 described by Subparagraph (ii); or

2 (ii) pardoned or otherwise granted relief  
3 on the basis of actual innocence with respect to that offense, if  
4 the applicable pardon or court order clearly indicates on its face  
5 that the pardon or order was granted or rendered on the basis of the  
6 person's actual innocence; or

7 (2) the person has been released and the charge, if  
8 any, has not resulted in a final conviction and is no longer pending  
9 and there was no court-ordered community supervision under Chapter  
10 42A for the offense, unless the offense is a Class C misdemeanor,  
11 provided that:

12 (A) regardless of whether any statute of  
13 limitations exists for the offense and whether any limitations  
14 period for the offense has expired, an indictment or information  
15 charging the person with the commission of a misdemeanor offense  
16 based on the person's arrest or charging the person with the  
17 commission of any felony offense arising out of the same  
18 transaction for which the person was arrested:

19 (i) has not been presented against the  
20 person at any time following the arrest, and:

21 (a) at least 180 days have elapsed  
22 from the date of arrest if the arrest for which the expunction was  
23 sought was for an offense punishable as a Class C misdemeanor and if  
24 there was no felony charge arising out of the same transaction for  
25 which the person was arrested;

26 (b) at least one year has elapsed from  
27 the date of arrest if the arrest for which the expunction was sought

1 was for an offense punishable as a Class B or A misdemeanor and if  
2 there was no felony charge arising out of the same transaction for  
3 which the person was arrested;

4 (c) at least three years have elapsed  
5 from the date of arrest if the arrest for which the expunction was  
6 sought was for an offense punishable as a felony or if there was a  
7 felony charge arising out of the same transaction for which the  
8 person was arrested; or

9 (d) the attorney representing the  
10 state certifies that the applicable arrest records and files are  
11 not needed for use in any criminal investigation or prosecution,  
12 including an investigation or prosecution of another person; or

13 (ii) if presented at any time following the  
14 arrest, was dismissed or quashed, and the court finds that the  
15 indictment or information was dismissed or quashed because:

16 (a) the person completed a veterans  
17 treatment court program created under Chapter 124, Government Code,  
18 or former law, subject to Subsection (a-3);

19 (b) the person completed a mental  
20 health court program created under Chapter 125, Government Code, or  
21 former law, subject to Subsection (a-4);

22 (c) the person completed a pretrial  
23 intervention program authorized under Section 76.011, Government  
24 Code, other than a veterans treatment court program created under  
25 Chapter 124, Government Code, or former law, or a mental health  
26 court program created under Chapter 125, Government Code, or former  
27 law;

1                    (d) [~~(e)~~] the presentment had been  
2 made because of mistake, false information, or other similar reason  
3 indicating absence of probable cause at the time of the dismissal to  
4 believe the person committed the offense; or

5                    (e) [~~(d)~~] the indictment or  
6 information was void; or

7                    (B) prosecution of the person for the offense for  
8 which the person was arrested is no longer possible because the  
9 limitations period has expired.

10            (a-4) A person is eligible under Subsection  
11 (a)(2)(A)(ii)(b) for an expunction of arrest records and files only  
12 if:

13                    (1) the person has not previously received an  
14 expunction of arrest records and files under that sub-subparagraph;  
15 and

16                    (2) the person submits to the court an affidavit  
17 attesting to that fact.

18            SECTION 20. Section 1a, Article 55.02, Code of Criminal  
19 Procedure, is amended by adding Subsection (a-2) to read as  
20 follows:

21            (a-2) A trial court dismissing a case following a person's  
22 successful completion of a mental health court program created  
23 under Chapter 125, Government Code, or former law, if the trial  
24 court is a district court, or a district court in the county in  
25 which the trial court is located may, with the consent of the  
26 attorney representing the state, enter an order of expunction for a  
27 person entitled to expunction under Article 55.01(a)(2)(A)(ii)(b)

1 not later than the 30th day after the date the court dismisses the  
2 case or receives the information regarding that dismissal, as  
3 applicable. Notwithstanding any other law, a court that enters an  
4 order for expunction under this subsection may not charge any fee or  
5 assess any cost for the expunction.

6 SECTION 21. Article 102.006(a), Code of Criminal Procedure,  
7 is amended to read as follows:

8 (a) In addition to any other fees required by other law and  
9 except as provided by Subsections [~~Subsection~~] (b) and (b-1), a  
10 petitioner seeking expunction of a criminal record in a district  
11 court shall pay the following fees:

12 (1) the fee charged for filing an ex parte petition in  
13 a civil action in district court;

14 (2) \$1 plus postage for each certified mailing of  
15 notice of the hearing date; and

16 (3) \$2 plus postage for each certified mailing of  
17 certified copies of an order of expunction.

18 SECTION 22. Article 102.006(b), Code of Criminal Procedure,  
19 as amended by Chapters 693 (H.B. 322) and 1149 (H.B. 557), Acts of  
20 the 85th Legislature, Regular Session, 2017, is reenacted and  
21 amended to read as follows:

22 (b) The fees under Subsection (a) or the fee under  
23 Subsection (a-1), as applicable, shall be waived if the petitioner  
24 [~~+~~

25 [~~(1)~~] seeks expunction of a criminal record that  
26 relates to an arrest for an offense of which the person was  
27 acquitted, other than an acquittal for an offense described by

Article 55.01(c), and the petition for expunction is filed not later than the 30th day after the date of the acquittal [~~or~~

~~[(2) is entitled to expunction under Article 55.01(a)(2)(A)(ii)(a) after successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law].~~

SECTION 23. Article 102.006, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) The fees under Subsection (a) shall be waived if the petitioner is entitled to expunction:

(1) under Article 55.01(a)(2)(A)(ii)(a) after successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law; or

(2) under Article 55.01(a)(2)(A)(ii)(b) after successful completion of a mental health court program created under Chapter 125, Government Code, or former law.

SECTION 24. Section 125.001, Government Code, is amended to read as follows:

Sec. 125.001. MENTAL HEALTH COURT PROGRAM DEFINED; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "mental health court program" means a program that has the following essential characteristics:

(1) the integration of mental illness treatment services and mental retardation services in the processing of cases in the judicial system;

(2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to



1 protect the due process rights of program participants;

2 (3) early identification and prompt placement of  
3 eligible participants in the program;

4 (4) access to mental illness treatment services and  
5 mental retardation services;

6 (5) ongoing judicial interaction with program  
7 participants;

8 (6) diversion of potentially mentally ill or mentally  
9 retarded defendants to needed services as an alternative to  
10 subjecting those defendants to the criminal justice system;

11 (7) monitoring and evaluation of program goals and  
12 effectiveness;

13 (8) continuing interdisciplinary education to promote  
14 effective program planning, implementation, and operations; and

15 (9) development of partnerships with public agencies  
16 and community organizations, including local mental retardation  
17 authorities.

18 (b) If a defendant successfully completes a mental health  
19 court program, after notice to the attorney representing the state  
20 and a hearing in the mental health court at which that court  
21 determines that a dismissal is in the best interest of justice, the  
22 mental health court shall provide to the court in which the criminal  
23 case is pending information about the dismissal and shall include  
24 all of the information required about the defendant for a petition  
25 for expunction under Section 2(b), Article 55.02, Code of Criminal  
26 Procedure. The court in which the criminal case is pending shall  
27 dismiss the case against the defendant and:

1           (1) if that trial court is a district court, the court  
2 may, with the consent of the attorney representing the state, enter  
3 an order of expunction on behalf of the defendant under Section  
4 1a(a-2), Article 55.02, Code of Criminal Procedure; or

5           (2) if that trial court is not a district court, the  
6 court may, with the consent of the attorney representing the state,  
7 forward the appropriate dismissal and expunction information to  
8 enable a district court with jurisdiction to enter an order of  
9 expunction on behalf of the defendant under Section 1a(a-2),  
10 Article 55.02, Code of Criminal Procedure.

11           SECTION 25. Chapter 125, Government Code, is amended by  
12 adding Sections 125.0025 and 125.005 to read as follows:

13           Sec. 125.0025. ESTABLISHMENT OF REGIONAL PROGRAM. The  
14 commissioners courts of two or more counties may elect to establish  
15 a regional mental health court program under this chapter for the  
16 participating counties.

17           Sec. 125.005. PROGRAM IN CERTAIN COUNTIES MANDATORY. (a)  
18 The commissioners court of a county with a population of more than  
19 200,000 shall:

20           (1) establish a mental health court program under  
21 Section 125.002; and

22           (2) direct the judge, magistrate, or coordinator to  
23 comply with Section 121.002(c)(1).

24           (b) A county required under this section to establish a  
25 mental health court program shall apply for federal and state funds  
26 available to pay the costs of the program. The criminal justice  
27 division of the governor's office may assist a county in applying

1 for federal funds as required by this subsection.

2 (c) Notwithstanding Subsection (a), a county is required to  
3 establish a mental health court program under this section only if:

4 (1) the county receives federal or state funding  
5 specifically for that purpose in an amount sufficient to pay the  
6 fund costs of the mental health court program; and

7 (2) the judge, magistrate, or coordinator receives the  
8 verification described by Section 121.002(c)(2).

9 (d) A county that is required under this section to  
10 establish a mental health court program and fails to establish or to  
11 maintain that program is ineligible to receive grant funding from  
12 this state or any state agency.

13 SECTION 26. Section 532.013(a), Health and Safety Code, is  
14 amended to read as follows:

15 (a) In this section:

16 (1) "Forensic patient" means a person with mental  
17 illness or a person with an intellectual disability who is:

18 (A) examined on the issue of competency to stand  
19 trial by an expert appointed under Subchapter B, Chapter 46B, Code  
20 of Criminal Procedure;

21 (B) found incompetent to stand trial under  
22 Subchapter C, Chapter 46B, Code of Criminal Procedure;

23 (C) committed to court-ordered mental health  
24 services under Subchapter E, Chapter 46B, Code of Criminal  
25 Procedure; ~~[or]~~

26 (D) found not guilty by reason of insanity under  
27 Chapter 46C, Code of Criminal Procedure;

1                   (E) examined on the issue of fitness to proceed  
2 with juvenile court proceedings by an expert appointed under  
3 Chapter 51, Family Code; or

4                   (F) found unfit to proceed under Subchapter C,  
5 Chapter 55, Family Code.

6                   (2) "Forensic services" means a competency  
7 examination, competency restoration services, or mental health or  
8 intellectual disability services provided to a current or former  
9 forensic patient in the community or at a department facility.

10           SECTION 27. (a) This Act applies only to a proceeding under  
11 Chapter 46B or 46C, Code of Criminal Procedure, that begins on or  
12 after the effective date of this Act, regardless of when the  
13 defendant committed the underlying offense for which the defendant  
14 became subject to the proceeding. A proceeding that begins before  
15 the effective date of this Act is governed by the law in effect on  
16 the date the proceeding began, and the former law is continued in  
17 effect for that purpose.

18           (b) Except as provided by Subsection (c) of this section,  
19 the changes in law made to Articles 55.01 and 55.02, Code of  
20 Criminal Procedure, apply to the expunction of arrest records and  
21 files for a person who successfully completes a mental health court  
22 program under Chapter 125, Government Code, or former law before,  
23 on, or after the effective date of this Act, regardless of when the  
24 underlying arrest occurred.

25           (c) The change in law made by this Act to Article 102.006,  
26 Code of Criminal Procedure, applies to the fees charged or costs  
27 assessed for an expunction order entered on or after the effective

1 date of this Act, regardless of whether the underlying arrest  
2 occurred before, on, or after the effective date of this Act.

3 (d) For a person who is entitled to expunction under Article  
4 55.01(a)(2)(A)(ii)(b), Code of Criminal Procedure, as amended by  
5 this Act, based on a successful completion of a mental health court  
6 program under Chapter 125, Government Code, or former law before  
7 the effective date of this Act, notwithstanding the 30-day time  
8 limit provided for the court to enter an automatic order of  
9 expunction under Section 1a(a-2), Article 55.02, Code of Criminal  
10 Procedure, as added by this Act, the court may, with the consent of  
11 the attorney representing the state, enter an order of expunction  
12 for the person as soon as practicable after the court receives  
13 written notice from any party to the case about the person's  
14 entitlement to the expunction.

15 SECTION 28. This Act takes effect immediately if it  
16 receives a vote of two-thirds of all the members elected to each  
17 house, as provided by Section 39, Article III, Texas Constitution.  
18 If this Act does not receive the vote necessary for immediate  
19 effect, this Act takes effect September 1, 2019.

**Senate Bill 562**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

SECTIONS 1-2 amend provisions of the Code of Criminal Procedure.

*No equivalent provision.*

SECTION 3. Article 46B.073(c), Code of Criminal Procedure, is amended.

SECTION 4. Subchapter D, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.0831 to read as follows:

Art. 46B.0831. DETERMINATION WHETHER DEFENDANT IS MANIFESTLY DANGEROUS. A defendant committed to a maximum security unit by the commission may be assessed, at any time before the defendant is restored to competency, by the review board established under Section 46B.105 to determine whether the defendant is manifestly dangerous. If the review board determines the defendant is not manifestly dangerous, the commission shall transfer the defendant to a *nonsecure* facility designated by the commission.

SECTIONS 5-10 amend provisions of the Code of Criminal Procedure.

HOUSE VERSION (IE)

SECTIONS 1-2. Same as Senate version.

SECTION 3. Subchapter A, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.0021 to read as follows:

Art. 46B.0021. FACILITY DESIGNATION. The commission may designate for the commitment of a defendant under this chapter only a facility operated by the commission or under a contract with the commission for that purpose.

SECTION 4. Same as Senate version.

SECTION 5. Subchapter D, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.0831 to read as follows:

Art. 46B.0831. DETERMINATION WHETHER DEFENDANT IS MANIFESTLY DANGEROUS. A defendant committed to a maximum security unit by the commission may be assessed, at any time before the defendant is restored to competency, by the review board established under Section 46B.105 to determine whether the defendant is manifestly dangerous. If the review board determines the defendant is not manifestly dangerous, the commission shall transfer the defendant to a *non-maximum security* facility designated by the commission.

SECTIONS 6-11. Same as Senate version.

CONFERENCE

SECTIONS 1-2. Same as Senate version.

SECTION 3. Same as House version.

SECTION 4. Same as Senate version.

SECTION 5. Same as House version.

SECTIONS 6-11. Same as Senate version.

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SENATE VERSION

*No equivalent provision.*

SECTIONS 11-16 amend provisions of the Code of Criminal Procedure.

*No equivalent provision.*

HOUSE VERSION (IE)

SECTION 12. Subchapter A, Chapter 46C, Code of Criminal Procedure, is amended by adding Article 46C.0011 to read as follows:

Art. 46C.0011. FACILITY DESIGNATION. The commission may designate for the commitment of a defendant under this chapter only a facility operated by the commission or under a contract with the commission for that purpose.

SECTIONS 13-18. Same as Senate version.

SECTION \_\_. Article 55.01, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (a-4) to read as follows:

(a) A person who has been placed under a custodial or noncustodial arrest for commission of either a felony or misdemeanor is entitled to have all records and files relating to the arrest expunged if:

(1) the person is tried for the offense for which the person was arrested and is:

(A) acquitted by the trial court, except as provided by Subsection (c); or

(B) convicted and subsequently:

(i) pardoned for a reason other than that described by Subparagraph (ii); or

(ii) pardoned or otherwise granted relief on the basis of actual innocence with respect to that offense, if the applicable pardon or court order clearly indicates on its face that the pardon or order was granted or rendered on the basis of the person's actual innocence; or

CONFERENCE

SECTION 12. Same as House version.

SECTIONS 13-18. Same as Senate version.

SECTION 19. Same as House version.

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SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

(2) the person has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was no court-ordered community supervision under Chapter 42A for the offense, unless the offense is a Class C misdemeanor, provided that:

(A) regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired, an indictment or information charging the person with the commission of a misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested:

(i) has not been presented against the person at any time following the arrest, and:

(a) at least 180 days have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class C misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(b) at least one year has elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class B or A misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(c) at least three years have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a felony or if there was a felony charge arising out of the same transaction for which the person was arrested; or

(d) the attorney representing the state certifies that the applicable arrest records and files are not needed for use in



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HOUSE VERSION (IE)

CONFERENCE

any criminal investigation or prosecution, including an investigation or prosecution of another person; or

(ii) if presented at any time following the arrest, was dismissed or quashed, and the court finds that the indictment or information was dismissed or quashed because:

(a) the person completed a veterans treatment court program created under Chapter 124, Government Code, or former law, subject to Subsection (a-3);

(b) the person completed a mental health court program created under Chapter 125, Government Code, or former law, subject to Subsection (a-4);

(c) the person completed a pretrial intervention program authorized under Section 76.011, Government Code, other than a veterans treatment court program created under Chapter 124, Government Code, or former law, or a mental health court program created under Chapter 125, Government Code, or former law;

(d) ~~(e)~~ the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense; or

(e) ~~(d)~~ the indictment or information was void; or

(B) prosecution of the person for the offense for which the person was arrested is no longer possible because the limitations period has expired.

(a-4) A person is eligible under Subsection (a)(2)(A)(ii)(b) for an expunction of arrest records and files only if:

(1) the person has not previously received an expunction of arrest records and files under that sub-subparagraph; and

(2) the person submits to the court an affidavit attesting to that fact. [FA1(2)]

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Section-by-Section Analysis

SENATE VERSION

*No equivalent provision.*

*No equivalent provision.*

*No equivalent provision.*

HOUSE VERSION (IE)

SECTION \_\_. Section 1a, Article 55.02, Code of Criminal Procedure, is amended by adding Subsection (a-2) to read as follows:

(a-2) A trial court dismissing a case following a person's successful completion of a mental health court program created under Chapter 125, Government Code, or former law, if the trial court is a district court, or a district court in the county in which the trial court is located may, with the consent of the attorney representing the state, enter an order of expunction for a person entitled to expunction under Article 55.01(a)(2)(A)(ii)(b) not later than the 30th day after the date the court dismisses the case or receives the information regarding that dismissal, as applicable. Notwithstanding any other law, a court that enters an order for expunction under this subsection may not charge any fee or assess any cost for the expunction. [FA1(2)]

SECTION \_\_. Article 102.006(a), Code of Criminal Procedure, is amended to read as follows:

(a) In addition to any other fees required by other law and except as provided by Subsections ~~[Subsection]~~ (b) and (b-1), a petitioner seeking expunction of a criminal record in a district court shall pay the following fees:

- (1) the fee charged for filing an ex parte petition in a civil action in district court;
- (2) \$1 plus postage for each certified mailing of notice of the hearing date; and
- (3) \$2 plus postage for each certified mailing of certified copies of an order of expunction. [FA1(2)]

SECTION \_\_. Article 102.006(b), Code of Criminal Procedure, as amended by Chapters 693 (H.B. 322) and 1149

CONFERENCE

SECTION 20. Same as House version.

SECTION 21. Same as House version.

SECTION 22. Same as House version.

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HOUSE VERSION (IE)

CONFERENCE

(H.B. 557), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b) The fees under Subsection (a) or the fee under Subsection (a-1), as applicable, shall be waived if the petitioner [:

[4)] seeks expunction of a criminal record that relates to an arrest for an offense of which the person was acquitted, other than an acquittal for an offense described by Article 55.01(c), and the petition for expunction is filed not later than the 30th day after the date of the acquittal [; or

~~[(2) is entitled to expunction under Article 55.01(a)(2)(A)(ii)(a) after successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law].~~ [FA1(2)]

*No equivalent provision.*

SECTION \_\_. Article 102.006, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) The fees under Subsection (a) shall be waived if the petitioner is entitled to expunction:

(1) under Article 55.01(a)(2)(A)(ii)(a) after successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law; or

(2) under Article 55.01(a)(2)(A)(ii)(b) after successful completion of a mental health court program created under Chapter 125, Government Code, or former law. [FA1(2)]

SECTION 23. Same as House version.

*No equivalent provision.*

SECTION \_\_. Section 125.001, Government Code, is amended to read as follows:

Sec. 125.001. MENTAL HEALTH COURT PROGRAM DEFINED; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "mental health court

SECTION 24. Same as House version.

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program" means a program that has the following essential characteristics:

- (1) the integration of mental illness treatment services and mental retardation services in the processing of cases in the judicial system;
- (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;
- (3) early identification and prompt placement of eligible participants in the program;
- (4) access to mental illness treatment services and mental retardation services;
- (5) ongoing judicial interaction with program participants;
- (6) diversion of potentially mentally ill or mentally retarded defendants to needed services as an alternative to subjecting those defendants to the criminal justice system;
- (7) monitoring and evaluation of program goals and effectiveness;
- (8) continuing interdisciplinary education to promote effective program planning, implementation, and operations;
- and
- (9) development of partnerships with public agencies and community organizations, including local mental retardation authorities.

(b) If a defendant successfully completes a mental health court program, after notice to the attorney representing the state and a hearing in the mental health court at which that court determines that a dismissal is in the best interest of justice, the mental health court shall provide to the court in which the criminal case is pending information about the dismissal and shall include all of the information required about the defendant for a petition for expunction under

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HOUSE VERSION (IE)

CONFERENCE

Section 2(b), Article 55.02, Code of Criminal Procedure. The court in which the criminal case is pending shall dismiss the case against the defendant and:

(1) if that trial court is a district court, the court may, with the consent of the attorney representing the state, enter an order of expunction on behalf of the defendant under Section 1a(a-2), Article 55.02, Code of Criminal Procedure; or

(2) if that trial court is not a district court, the court may, with the consent of the attorney representing the state, forward the appropriate dismissal and expunction information to enable a district court with jurisdiction to enter an order of expunction on behalf of the defendant under Section 1a(a-2), Article 55.02, Code of Criminal Procedure. [FA1(2)]

*No equivalent provision.*

SECTION \_\_. Chapter 125, Government Code, is amended by adding Sections 125.0025 and 125.005 to read as follows:

Sec. 125.0025. ESTABLISHMENT OF REGIONAL PROGRAM. The commissioners courts of two or more counties may elect to establish a regional mental health court program under this chapter for the participating counties.

Sec. 125.005. PROGRAM IN CERTAIN COUNTIES MANDATORY. (a) The commissioners court of a county with a population of more than 200,000 shall:

(1) establish a mental health court program under Section 125.002; and

(2) direct the judge, magistrate, or coordinator to comply with Section 121.002(c)(1).

(b) A county required under this section to establish a mental health court program shall apply for federal and state funds available to pay the costs of the program. The criminal

SECTION 25. Same as House version.

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Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

justice division of the governor's office may assist a county in applying for federal funds as required by this subsection.  
(c) Notwithstanding Subsection (a), a county is required to establish a mental health court program under this section only if:[FA1(2)]  
(1) the county receives federal or state funding specifically for that purpose in an amount sufficient to pay the fund costs of the mental health court program; and [FA1(2),FA1(1),3rd]  
(2) the judge, magistrate, or coordinator receives the verification described by Section 121.002(c)(2).  
(d) A county that is required under this section to establish a mental health court program and fails to establish or to maintain that program is ineligible to receive grant funding from this state or any state agency. [FA1(2),FA1(2),3rd]

SECTION 17. Section 532.013(a), Health and Safety Code, is amended.

*No equivalent provision.*

SECTION 18. This Act applies only to a proceeding under the Code of Criminal Procedure that begins on or after the effective date of this Act, regardless of when the defendant committed the underlying offense for which the defendant became subject to the proceeding. A proceeding that begins before the effective date of this Act is governed by the law in effect on the date the proceeding began, and the former law is continued in effect for that purpose.

SECTION 19. Same as Senate version.

SECTION \_\_. (a) Chapter 45, Code of Criminal Procedure, is amended by adding Subchapter E relating to youth diversion and sets our related provisions. [FA2,3rd]

SECTION 20. This Act applies only to a proceeding under **Chapter 46B or 46C**, Code of Criminal Procedure that begins on or after the effective date of this Act, regardless of when the defendant committed the underlying offense for which the defendant became subject to the proceeding. A proceeding that begins before the effective date of this Act is governed by the law in effect on the date the proceeding began, and the former law is continued in effect for that purpose. [FA1(1)]

SECTION 26. Same as Senate version.

Same as Senate version.

SECTION 27. (a) Same as House version.

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Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

*No equivalent provision.*

SECTION 19. Effective date.

HOUSE VERSION (IE)

SECTION \_\_. (a) Except as provided by Subsection (b) of this section, the changes in law made to Articles 55.01 and 55.02, Code of Criminal Procedure, apply to the expunction of arrest records and files for a person who successfully completes a mental health court program under Chapter 125, Government Code, or former law before, on, or after the effective date of this Act, regardless of when the underlying arrest occurred.

(b) The change in law made by this Act to Article 102.006, Code of Criminal Procedure, applies to the fees charged or costs assessed for an expunction order entered on or after the effective date of this Act, regardless of whether the underlying arrest occurred before, on, or after the effective date of this Act.

(c) For a person who is entitled to expunction under Article 55.01(a)(2)(A)(ii)(b), Code of Criminal Procedure, as amended by this Act, based on a successful completion of a mental health court program under Chapter 125, Government Code, or former law before the effective date of this Act, notwithstanding the 30-day time limit provided for the court to enter an automatic order of expunction under Section 1a(a-2), Article 55.02, Code of Criminal Procedure, as added by this Act, the court may, with the consent of the attorney representing the state, enter an order of expunction for the person as soon as practicable after the court receives written notice from any party to the case about the person's entitlement to the expunction. [FA1(2)]

SECTION 21. Same as Senate version.

CONFERENCE

(b) Same as House version.

(c) Same as House version.

(d) Same as House version. .

SECTION 28. Same as Senate version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 25, 2019**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: SB562** by Zaffirini (Relating to criminal or juvenile procedures regarding persons who are or may be persons with a mental illness or intellectual disability and the operation and effects of successful completion of a mental health court program.), **Conference Committee Report**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would require counties transferring a defendant to the Texas Department of Criminal Justice (TDCJ) to provide a copy of a defendant's mental health records to an officer designated by TDCJ. The bill would require the Health and Human Services Commission (HHSC) to transfer a defendant from a maximum security unit to a non-maximum security unit if a review board determines the defendant is not manifestly dangerous. The bill would also require a court, upon receiving notice from the head of a facility or outpatient treatment provider of intent to release the defendant, to hold a hearing to determine whether release from the facility or program is appropriate. The bill would amend the definition of a forensic patient to include persons with intellectual disabilities.

The bill would allow a person to have all records and files related to an arrest for a criminal offense expunged under certain conditions and would allow for the certain fees to be waived if the person successfully completes a veterans treatment court program or mental health court program. The bill would require the creation of a mental health court program in counties with a population of more than 200,000 and require those counties to apply for federal and state funds to pay for the program.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. Otherwise, the bill would take effect September 1, 2019.

It is assumed the state court system, HHSC, and TDCJ can implement the provisions of the bill using existing resources. The Office of Court Administration (OCA) does not anticipate a significant fiscal impact from waived fees or the creation of mental health court programs due to the limited number of participants in mental health court programs.

Based on the analysis of the Comptroller of Public Accounts and the Department of Public Safety, duties and responsibilities associated with implementing the provisions of the bill relating to the operation of, participation in, and effects of successful completion of a mental health court program could be accomplished using existing resources.



## **Local Government Impact**

There may be a cost to counties to provide additional information when transferring a defendant to TDCJ.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement, 529 Health and Human Services Commission, 644 Juvenile Justice Department, 696 Department of Criminal Justice

**LBB Staff:** WP, LBO, CMA, EP, SB

**Certification of Compliance with  
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under House Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not subject to a point of order under Rule 13.

I certify that a copy of the conference committee report on SB 562 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

  
(name) Representative Four Price

5/24/19  
(date)